



## **ENVIRONMENTAL BOARD RECOMMENDATION 20140507 005a**

**Date:** May 7, 2014

**Subject:** The Terrace at Oak Hill PUD Amendment C814-2007-0009.01

**Motion By:** Robert Deegan

**Second By:** James Schissler

### **RATIONALE:**

**Whereas,** Application of current code and expansion of the downstream buffer provide environmental benefits, especially regarding preservation of Heritage Trees on-site, and

**Whereas,** this Planned Unit Development Amendment will facilitate affordable housing on-site,

**Therefore,** the Environmental Board recommends approval of the request for the PUD Amendment with the following staff conditions , #1,3,4,and 5:

1. The following statement from Part 2 of the PUD Ordinance is removed: "Except as otherwise specifically provided by this ordinance and land use plan, all other rules, regulations and ordinances of the City in effect on the effective date of this ordinance apply to the PUD."

The removal of this statement from the PUD Ordinance will subject the property to the regulations in the Land Development Code and Environmental Criteria Manual in effect at the time of site plan submittal rather than the requirements in effect on the August 6, 2007, date of PUD approval. For example, the removal of this statement will apply Heritage Tree Ordinance requirements to this property upon submittal of a site plan permit application.

3. Total impervious cover on slopes from 15% to 35% will be limited as follows:
  - Impervious cover on slopes from 15 to 25% will not exceed 0.11 acres (approximately 4,792 square feet).
  - Impervious cover on slopes from 25 to 35% will not exceed 0.07 acres (approximately 3,049 square feet).

- Construction on slopes will be permitted as generally displayed on Exhibit D-5 Slopes.
- 4. The revised downstream buffer will increase from approximately 3.37 acres to approximately 3.75 acres.
- 5. The PUD Ordinance or Land Use Plan must specify that no hard surface trails are permitted in the downstream buffer. Trails are permitted in the downstream buffer provided that the trails are constructed of permeable materials installed over non-compacted base.

**Board Conditions:**

**The following staff conditions (#2 and 6) are not recommended as these issues can be better addressed in the site planning process when a plan has been developed that properly accounts for Heritage Trees:**

- 2. The applicant will limit cut/fill from 4 to 8 feet to an area not to exceed 5,000 square feet (approximately 0.11 acres) and in the vicinity generally depicted in Exhibit D-4 Cut and Fill, provided that:
  - a. Areas in which cut/fill in excess of 4 feet are already permitted by the Land Development Code (LDC 25-8-341 and 342) will not be counted in the 5,000 square foot limit;
  - b. Areas in which cut/fill in excess of 4 feet are already permitted by the Land Development Code (LDC 25-8-341 and 342) will not be limited to areas generally designated in Exhibit D-4 Cut and Fill;
  - c. Administrative variances in accordance with LDC 25-8-42(B)(6) to exceed 4 feet of cut I fill for the construction of water quality control or detention facilities as well as appurtenances for conveyance such as swales, drainage ditches, and diversion berms will not be counted in the 5,000 square foot limit and will not be limited to areas generally designated in Exhibit D-4 Cut and Fill; and
  - d. The criteria for evaluating and granting or denying an administrative variance in accordance with LDC 25-8-42(B)(6) will remain unaffected by the revised PUD Ordinance.

Therefore, the Land Use Plan must generally show the areas of cut I fill from 4 to 8 feet as identified in Exhibit D-4 Cut and Fill. In addition, for clarity, at the time of site plan submittal and subsequent site plan review by Staff, Staff recommends that items 2.a. through 2.d. (above) be documented in the revised PUD Ordinance or Land Use Plan.

- 6. The Land Use Plan will show on site wetland mitigation to account for the building I Limit of Construction encroachment into the 50 foot setback for wetland Critical Environmental Feature 'W2'. The setback boundary for wetland Critical Environmental Feature 'W2' will be adjusted to coincide with the building footprint I Limit of Construction.

**VOTE 6-0-0-1**

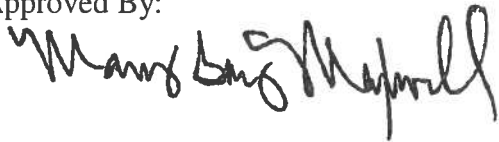
For: Deegan, Maxwell, Perales, Schissler, Smith and Walker

Against:

Abstain:

Absent: Neely

Approved By:

A handwritten signature in black ink, appearing to read "Mary Gay Maxwell". The signature is written in a cursive, flowing style with a large initial "M".

Mary Gay Maxwell, Environmental Board Chair

